

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**WISCONSIN UFCW UNIONS & EMPLOYERS
HEALTH PLAN, DANIEL WELCH, and
JOHN DOUGHERTY,
Plaintiffs,**

v.

Case No. 10-C-1183

**DON'S MARKET, INC.,
Defendant.**

ORDER

Civil Local Rule 41(b) (E.D. Wis. 2010) states:

In all cases in which a defendant has failed to file an answer or otherwise defend within 6 months from the filing of the complaint and the plaintiff has not moved for a default judgment, the Court may on its own motion, after 21 days' notice to the attorney of record for the plaintiff, or to the plaintiff if pro se, enter an order dismissing the action for lack of prosecution. Such dismissal must be without prejudice.

This case was filed on December 30, 2010. Defendant was served on January 6, 2011, as evidenced by a return of service filed with the court on January 10, 2011. Six months have expired since the filing of the complaint, yet to date defendant has not answered and plaintiffs have not moved for default judgment.

Therefore, plaintiffs are put on notice that the court on its own motion shall dismiss this case without prejudice after twenty-one days from the date of this order unless within that time plaintiffs take sufficient action to prosecute this case.

Dated at Milwaukee, Wisconsin, this 29th day of June, 2011.

/s_____
LYNN ADELMAN
District Judge